

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**WISCONSIN RIGHT TO LIFE
POLITICAL ACTION COMMITTEE et
al.,**

Plaintiffs,

v.

MICHAEL BRENNAN et al.,

Defendants.

Civil Action No. 3:09-cv-00764

MOTION TO STRIKE

Pursuant to F. R. Civ. P. 7(b), Plaintiffs move this Court to strike amicus the Kloppenburg for Justice Committee's *Declaration of Melissa Mulliken*. (Doc. 100-2.) In the alternative, Plaintiffs oppose amicus' Motion to File an Amicus Brief, (Doc. 100), so long as the declaration is attached. In support of their motion, Plaintiffs state as follows:

1. On February 28, 2011, amicus the Kloppenburg for Justice Committee filed an unopposed Motion for Leave to File Amicus Brief. (Doc. 100.) Plaintiffs did not object to the filing of an amicus brief.

2. Attached to amicus' brief is the Declaration of Melissa Mulliken. (Doc. 100-2.) Amicus, as non-parties, cannot introduce evidence, and Plaintiffs did not consent to the introduction of such evidence.

WHEREFORE, Plaintiffs respectfully move this Court to grant their *Motion to Strike* and strike Ms. Mulliken's declaration from the record. In the alternative, Plaintiffs object to amicus' motion to file an amicus brief so long as the declaration is attached.

Dated: March 1, 2011

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Respectfully Submitted,

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